THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 13443 of 2007

Date:31-08-2007

Between:

Balabadra Veerabhadra Venkata Satyanarrayana **.. PETITIONER**

AND

The Superintendent of Police, Eluru and another

.. RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondents in not conducting investigation and filing charge sheet in Crime No.108 of 2006 pending on the file of the 2nd respondent, as illegal and arbitrary.

The only grievance of the petitioner is that the second respondent is not investigating the case in Crime No.108 of 2006 without any valid reason.

A counter has been filed by the 2nd respondent stating that the petitioner has filed a private complaint under Section 200 Cr.P.C. against one Repaka Ravindra Kumar for the offences punishable under Sections 193, 465, 468 and 469 IPC alleging that his signature was forged on two promissory notes which were marked as Exs. P-5 and P-6 in C.C.No.496 of 2003 on the file of the Additional Judicial Magistrate of First Class, Eluru and the learned Magistrate forwarded the same to the second respondent for enquiry and report and on receipt of the same, a case in Crime No. 108 of 2006 has been registered. It is stated that the accused filed Criminal Petition No.4780 of 2006 in this Court and this Court by order, dated 01.11.2006 granted stay of all further proceedings for a period of eight weeks and ultimately the said petition was dismissed on 04.01.2007 and thereafter, the investigation was resumed and the evidence collected so far shows that the accused has committed the said offences. A petition was also filed before the Additional Judicial Magistrate of First Class, Eluru for supply of original promissory notes and the certified copy of the handwriting expert's

opinion on the forged endorsements on the overleaf of two promissory notes. The investigation also disclosed that one Papolu Venkata Ramana Diwakar and Vaddlamudi Murali Krishna who are the attestors of the promissory notes have also committed the offences along with the main accused viz. Repaka Ravindra Kumar and therefore, their names were also included in the F.I.R. It is stated that for want of obtaining legal opinion, the investigation is pending. It is further stated that the investigation is going on and the second respondent is going to file an appropriate report/charge sheet before the Court concerned shortly.

In view of the facts and circumstances of the case, I am of the opinion that there is no laches on the part of the second respondent in investigating the case.

Having regard to the facts of the case, the writ petition is disposed of directing the second respondent to expedite the investigation and file the report/charge sheet before the Court concerned as expeditiously as possible without any further delay. No costs.

_____

V.ESWARAIAH, J.

Date:31.08.2007
CCM